



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2305929
Applicant Name: Joel Snyder for Jay Pachl
Address of Proposal: 5401 Woodlawn Avenue North

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for future construction of an addition to an existing single family residence. Project includes raising the existing structure and constructing a two foot addition beneath.

The following approvals are required:

Variance to allow expansion of a non conforming structure.
(SMC Section 23.42.112)

Variance to allow portion of the principal structure to project into the required front yard. (SMC 23.44.014 - D3c).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS
☐ DNS with conditions
☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND DATA

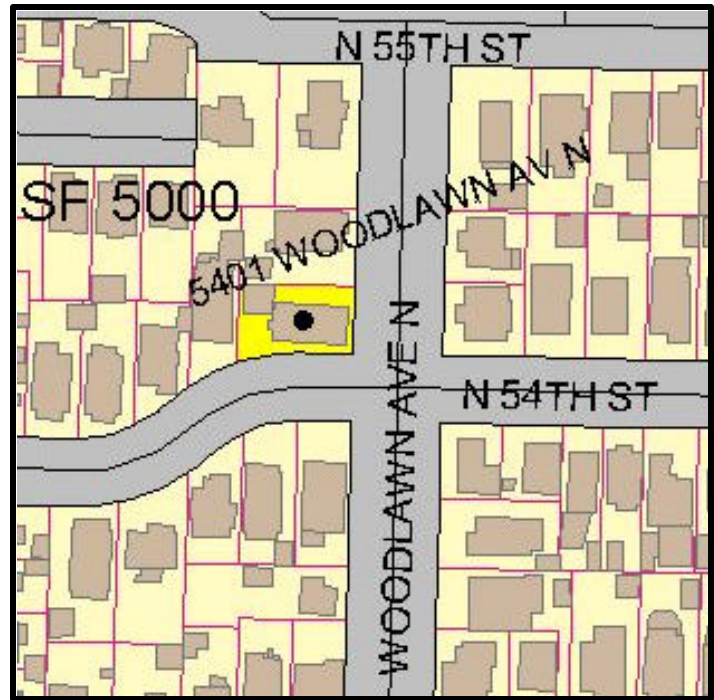
Site and Area Description

The approximately 4,411 square foot site is located in a Single Family (SF 5000) residential zone which is residential in character. The site is located on the northwesterly corner at the intersection of Woodlawn Ave N and N 54th St. The curved southerly lot line has street frontage on N 54th St which is paved with curbs, gutters and sidewalks on both sides of the street. The eastern property line abuts Woodlawn Ave N, which is also paved with curbs, gutters and sidewalks on both sides of the street. The subject lot is a corner lot that is rectangular in shape. The existing two-story single family structure, originally built in 1926, is located more to the front portion of the lot as the front wall line is approximately 10' from the front property line. The existing exterior rear wall is approximately 25'-6" from the rear lot line. There is an existing detached two car garage located in the northwesterly corner of the site, which is accessed via an existing curbcut off of N. 54th St. There is no change proposed to the garage

structure. The approximate existing plate height of the principal structure is 20' and an approximate ridge height is 27'-9".

Development in the Vicinity

The surrounding zone is Single Family 5000 (SF 5000) and the development in the vicinity consists of single family residences which are predominantly one or two stories, with some three story structures. Properties south of the site are developed with one and two story residences and north and west of the subject lot, similar development exists. The streets in the vicinity are improved to city standards and the topography is generally gradual slopes but no designated Environmentally Critical Areas exist in the immediate vicinity.



Proposal Description

The applicant proposes to elevate the existing residence two (2) feet and construct a two foot infill beneath it for a total of two stories plus the existing basement, which is the reason for the addition. The applicant proposes the addition for two reasons: 1) to "remedy the damage that the settling has caused to the overall structure of the house and 2) gaining more ceiling height at the basement level," currently with 7'-8" of headroom. The proponent plans on adding an Accessory Dwelling Unit to the basement portion of the house during the construction permit phase of the project. The existing house's footprint would remain the same. The existing main floor, if elevated, cannot meet the "certain additions" rule of SMC (23.44.014-D3c), because the front wall is closer than fifteen (15) feet to the front lot line. Certain additions will allow a front wall to be extended or maintained to the height limit when the presently nonconforming portion must be at least sixty (60) percent of the total width of the respective facade of the structure prior to the addition, except that in no case shall the addition be closer than fifteen (15) feet to the front lot line. In this case the existing and new wall line is 9'-11" from the front lot line.

Public Comments

During the public comment period which ended February 4, 2004, the City received no written comments related to the project.

ANALYSIS - VARIANCES

Pursuant to SMC 23.40.020 C, variances from the provisions or requirements of this Land Use Code shall be authorized when all the facts and conditions listed below are found to exist. Analysis of the variance requested follows each statement of the required facts and conditions.

1. ***Because of the unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of the Lands Use Code would deprive the property the rights and privileges enjoyed by other properties in the same zone or vicinity;***

The unusual conditions in this particular case are the lot is a corner lot, the undersized square footage (4,411) of the property for the zone (SF 5000), and the location of the existing structure with regard to the current yard standards of Seattle's Land Use Code. The current owner/applicant did not create these conditions which resulted prior to the current Land Use, Zoning and Building Code requirements. Due to the corner lot status of the subject property, front yard averaging for the application will require that 20' be used to average on the south side, which when averaged with the neighbor to the north results in a front yard requirement that is larger than that of other properties in the vicinity. Also, some other existing one story principal structures would be able to add similar vertical expansions within the provisions of the Land Use Code (i.e. 1425 and 1431 N 54th St). In this case the strict application of the Land Use Code would preclude the proponent from constructing the described addition, where others in the vicinity could make similar additions without a variance requirement. Thus, the above criterion is satisfied.

2. ***The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;***

The proposed lifted addition within the previously permitted footprint would not encroach into the required front yard of 20' any further than the existing front wall line. The requested variance would allow the existing first floor to be lifted two (2) feet and a two (2) foot floor constructed beneath it, with no further extension into the required yards then currently exists. While the additional two (2) feet would add a minimal amount of bulk, it will be well within the height limit of the zone consistent with the provisions of the Land Use Code and with the restrictions applicable to the other single family structures in the neighborhood. This variance request would allow use of the existing bearing walls to support the infill addition. The applicant proposes to raise the basement floor height to 9'-8" from 7'-8", in order to have ample headroom in the future Accessory Dwelling Unit. The request will not result in an additional floor or floor area. Also the existing front porch and entry steps location and height will not be altered as they have been designed to be built into the façade alteration. As a result, the proposal is with the scope of the minimum necessary to afford relief. Also, this is not a grant of special privilege as other properties in vicinity could construct similar infill additions without variances.

3. ***The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;***

The slight increase in size and bulk of the structure will not exceed the height limit of the zone. It will not block views that would not otherwise be compromised by a code conforming addition, which could reach thirty (30) feet for a flat roof and thirty five (35) feet to the ridgeline of a pitched roof. The proposed improvements in particular are contained within the existing external footprint and wall lines of the structure. The structure is being raised approximately two (2) feet and the shadow overcast will have a minimal impact to the rear and side properties to the north

and west. A code conforming addition would have similar or greater shadow, light and air impacts, depending on the proposed height. As a result, the above criterion is satisfied.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue and unnecessary hardship or practical difficulties;*

The literal interpretation and strict application of the Land Use Code would prohibit the owner from having a reasonable floor to floor height in the proposed basement for the portions of the structure within the required front yard. The literal interpretation of the Land Use Code would cause a practical difficulty to the applicant, by mandating that any part of the structure that is raised could only be outside the required yards or area permitted by Certain Additions (SMC 23.44.013-D3). This would result in the construction of a new two (2) foot wall on the front façade fifteen (15) feet back from the property line, which would require additional structural work and would be somewhat aesthetically awkward. By maintaining the existing wall line and roof structure, the addition will be visually similar to the existing structure. In light of the above analysis, this criterion is met.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

The spirit and purpose of the Land Use Code recognizes flexibility as one of the important goals to allow the residents in single family zones maximum use and enjoyment of their homes. The requested relief is consistent with this goal and does not deviate from the intent to preserve the streetscape character of the residential area, nor deviate from the intent to preserve the pattern of open spaces providing natural light, air and ventilation between single family structures in the neighborhood. Granting the requested variance to allow portion of the principal structure to extend upward in the required yards is consistent with the Land Use Code and Land Use Policies.

DECISION – VARIANCE:

- Variance to allow expansion of a non conforming structure (SMC Section 23.42.112) – **GRANTED.**
- Variance to allow portion of the principal structure to project into the required front yard (SMC 23.44.014 – D3c) – **GRANTED.**

CONDITIONS

None.

Signature: (signature on file) Date: May 31, 2004
Lucas DeHerrera, RIC Land Use Planner
Department of Planning and Development
Land Use Services